

# CODE OF ORDINANCES

## STORMWATER MANAGEMENT

### Chapter 310 - STORMWATER MANAGEMENT

#### ARTICLE I. - GENERAL

##### Sec. 310-1. - Definitions.

The following words, terms, or phrases, when used in this chapter, shall have the meanings ascribed to them in this section; except where the context clearly indicates a different meaning:

*Accidental discharge:* A discharge prohibited by the UDO, which occurs by chance, and without planning or thought prior to occurrence.

*Buffer:* With respect to a stream, a natural or enhanced vegetated area lying adjacent to the stream.

*Channel:* A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

*Clean Water Act (CWA):* The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

*Hotspot:* An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

*Illegal connection:* Either of the following:

- (a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the county's separate storm sewer system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the county's separate storm sewer system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (b) Any pipe, open channel, drain or conveyance connected to the county's separate storm sewer system, which has not been documented in, plans, maps, or equivalent records and approved by an authorized enforcement agency.

*Illicit discharge:* Any direct or indirect non-stormwater discharge to the county's separate storm sewer system, except as exempted in subsection 310-14(a).

*Inspection and maintenance agreement:* A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction or covenant on the title to a site or other land involved in a land development project.

*Nonstructural stormwater management practice or nonstructural practice:* Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

*Off-site facility:* A stormwater management facility located outside the boundaries of the site that it serves.

*On-site facility:* A stormwater management facility located within the boundaries of the site that it serves.

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*Open space:* Permanently protected areas of the site that are preserved in a natural state.

*Pollutant:* Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

*Pollution:* The contamination or other alteration of the physical, chemical or biological properties of air or water by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color turbidity, or odor, or the discharge of any liquid, gaseous, solid, radioactive, or other substance as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

*Post-development:* Refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

*Pre-development:* Refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, and so forth), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-developed conditions.

*Redevelopment:* A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional non-point source pollution.

*Regional stormwater management facility or regional facility:* Stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

*Regulatory floodplain:* Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan.

*Rockdale County separate storm sewer system:* Any facility designed or used for collecting, treating and/or conveying stormwater located in the unincorporated areas of Rockdale County, including but not limited to highways, county streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures; and which is: 1) not a combined sewer, and 2) not part of a publicly-owned treatment works.

*Stormwater better site design practices:* Non-structural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for non-structural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

*Stormwater management measure:* Any stormwater management facility or structural or non-structural stormwater practice.

*Stream protection area or protection area:* With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

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*Structural stormwater control:* A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

*Watershed:* The land area that drains into a particular stream.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-2. - Pollution and littering.**

In addition to the penalty provisions contained in this chapter, violations of the provisions of this chapter that degrade the water quality and aquatic resources through littering or dumping waste may be prosecuted pursuant to the provisions of chapter 78 of the Rockdale County Code entitled "Solid Waste and Weeds" where applicable.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-3. - Penalty for violation.**

Violations of this chapter, except as otherwise provided, shall be subject to punishment as set forth in section 1-11, General penalty.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Secs. 310-4—310-10. - Reserved.**

### **ARTICLE II. - ILLICIT DISCHARGE AND ILLEGAL CONNECTIONS**

#### **Sec. 310-11. - Purpose and intent.**

The purpose of this article is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the Rockdale County separate storm sewer system to the maximum extent practicable as required by federal law and to provide flood control. This article establishes methods for controlling the introduction of pollutants into the Rockdale County separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are to:

- (a) Regulate the contribution of pollutants to the Rockdale County separate storm sewer system by any person.
- (b) Prohibit illicit discharges and illegal connections to the separate storm sewer system.
- (c) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the Rockdale County separate storm sewer system.
- (d) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-12. - Applicability.**

The provisions of this article shall apply throughout the unincorporated area of Rockdale County.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-13. - Responsibility for administration.**

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The director shall administer, implement, and enforce the provisions of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Sec. 310-14. - Prohibitions.**

- (a) *Prohibition of illicit discharges.* No person shall drain, discharge, cause, or otherwise allow to be discharged into the Rockdale County separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater. The following discharges are exempt from the prohibition provision above:
- (1) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants.
  - (2) Discharges or flows from fire fighting and other discharges specified in writing by the Rockdale County Board of Commissioners as being necessary to protect public health and safety.
  - (3) Any non-stormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the Georgia Department of Natural Resources (DNR) and/or the Federal Environmental Protection Agency (EPA), provided that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval from the authorizing governmental agency has been granted for any discharge to the Rockdale County separate storm sewer system.
- (b) *Prohibition of illegal connections.* The construction, connection, use, maintenance or continued existence of any illegal connection to the Rockdale County separate storm sewer system is prohibited.
- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  - (2) A person violates this article if the person causes a conveyance of sewage or septic effluent into the Rockdale County separate storm sewer system or allows such a connection or conveyance to continue.
  - (3) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or, with the written approval of the director of the Rockdale County Water Resources Department, into the county sanitary sewer system.
  - (4) Any drain or conveyance that has not been included in plans, maps, or otherwise documented and that may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice from the director requiring that such locating be completed. Such notice shall specify:
    - a. A reasonable time period of not more than ten days, unless a longer period is authorized by the director, within which the location of the drain or conveyance is to be completed.
    - b. That the drain or conveyance be identified as storm sewer, sanitary sewer, or other.
    - c. That the outfall location or point of connection to the storm sewer system, sanitary sewer system, or other discharge point be identified.
  - (5) The results of the investigations of the property owner or occupant shall be documented and provided to the director.

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(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Sec. 310-15. - Industrial or construction activity discharges.**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the director prior to allowing discharges to the Rockdale County separate storm sewer system.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Sec. 310-16. - Access and inspection of properties and facilities.**

- (a) The director shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with the provisions of this article.
- (b) If a property or facility has security measures in force that require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the director during normal business hours.
- (c) The owner or operator shall allow the director ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination, and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- (d) The director shall have the right to set up on any property or facility such devices as are necessary, in the opinion of the director, to conduct monitoring and/or sampling of flow discharges.
- (e) The director may require the owner or operator to install monitoring equipment and perform monitoring, as necessary, and make the monitoring data available to the director. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated, to the satisfaction of the director, to ensure their accuracy.
- (f) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the director and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (g) Delays of more than five business days in allowing the director access to a facility shall be a violation of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Sec. 310-17. - Notification of accidental discharges and spills.**

- (a) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity, or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation that are resulting or may result in illicit discharges or pollutants discharging into stormwater, the Rockdale County separate storm sewer system, state waters, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge. Said person shall notify the director by phone, facsimile, or in person no later than 24 hours of the location, nature, quantity, and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the director within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

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- (b) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.
- (c) Failure to provide notification of a release as provided above shall be a violation of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 18, 5-22-200)

### **Sec. 310-18. - Violations and penalties.**

- (a) *Violations.* In the event the violation of any provision of this article constitutes an immediate danger to public health, safety, or welfare, the director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The director is authorized to seek reimbursement for costs of the abatement as outlined in subsection (c).
- (b) *Notice of violation.* If the director determines that a violation of this article has occurred, the director may order compliance by issuing a written notice of violation to the person responsible for the violation.
  - (1) The notice of violation shall contain:
    - a. The name and address of the alleged violator.
    - b. The address or other description of the site upon which the violation is occurring, or has occurred.
    - c. A statement specifying the nature of the violation.
    - d. A description of the remedial measures necessary to restore compliance with this article and the deadline for the completion of such remedial action.
    - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.
  - (2) Such notice may require without limitation:
    - a. The performance of monitoring, analyses, and reporting.
    - b. The elimination of illicit discharges and illegal connections.
    - c. That violating discharges, practices, or operations shall cease and desist.
    - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
    - e. The implementation of pollution prevention practices.
- (c) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, the director may issue a citation to the alleged violator requiring such person to appear in the Magistrate Court of Rockdale County to answer charges for such violation. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense. The director may seek restitution for attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses and costs of abatement.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Secs. 310-19—310-30. - Reserved.**

## **ARTICLE III. - POST-DEVELOPMENT STORMWATER MANAGEMENT**

### **DIVISION 1. - GENERAL PROVISIONS**

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### **Sec. 310-31. - Purpose and intent.**

- (a) The purpose and intent of this article is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and non-point source pollution associated with new development and redevelopment. Proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, environment, and general welfare of the public; and protect water and aquatic resources. This article seeks to meet that purpose through the following objectives:
- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources.
  - (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, non-point source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats.
  - (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality.
  - (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards.
  - (5) Encourage the use of non-structural stormwater management and stormwater better site design practices, such as the preservation of open space and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include open space, with the county's greenspace protection plan;
  - (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and non-structural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety.
  - (7) Establish administrative procedures for the submission, review, approval, and disapproval of stormwater management plans and for the inspection of approved active projects, and long-term follow up.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Sec. 310-32. - Applicability.**

- (a) This article shall be applicable to all land development; including, but not limited to, site plan applications, subdivision applications, and grading applications, unless otherwise exempted. The provisions of this article shall apply to any new development or redevelopment site that meets one or more of the following criteria:
- (1) New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of one acre or more.
  - (2) Redevelopment that includes the creation or addition of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more.
  - (3) Any new development or redevelopment, regardless of size, that is defined by the director to be a "hotspot" land use.
  - (4) Land development activities that are smaller than the minimum applicability criteria set forth in subsections (1) and (2) of this subsection, if such activities are part of a larger common plan of

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development; even though multiple, separate, and distinct land development activities may take place at different times on different schedules.

(b) The following activities are exempt from this article:

- (1) Development of individual single-family or duplex residential lots that involve the creation of less than 5,000 square feet of impervious cover or that involves other land development activities less than one acre and are not part of a subdivision or phased development project.
- (2) Additions or modifications to existing single-family or duplex residential structures that involve the creation of less than 5,000 square feet of impervious cover or that involves other land development activities less than one acre.
- (3) Repairs to any stormwater management facility or practice deemed necessary by the director.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Sec. 310-33. - Responsibility for administration.**

The director shall administer, implement and enforce the provisions of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Sec. 310-34. - Stormwater design manual.**

The director shall utilize the policy, criteria, and information, including technical specifications and standards, set forth in the Georgia Stormwater Management Manual, as now and hereafter amended, for the proper implementation of the requirements of this article. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring, and local maintenance experience.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Secs. 310-35—310-40. - Reserved.**

## **DIVISION 2. - PERMIT PROCEDURES AND REQUIREMENTS**

### **Sec. 310-41. - Stormwater management permit required.**

- (a) No owner or developer shall perform any land development activities without first obtaining a stormwater management permit and meeting the requirements of this article prior to commencing the proposed activity.
- (b) Any owner or developer proposing a land development activity shall first submit a stormwater management permit application to the director.
- (c) Applications for a stormwater management permit shall be on a form provided by the director for that purpose and shall be accompanied by the following items in order to be considered:
  - (1) Stormwater concept plan and consultation meeting certification in accordance with section 310-42
  - (2) Stormwater management plan in accordance with section 310-43
  - (3) Inspection and maintenance agreement in accordance with section 310-44, if applicable.
  - (4) Performance guarantee in accordance with section 310-45, if applicable.
  - (5) Permit application and plan review fees in accordance with section 310-47



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- (6) Construction drawings, stormwater hydrology, and hydraulics report and site analysis.
- (d) Applications for a stormwater management permit that are incomplete or which otherwise do not meet the criteria set forth above, as determined by the director, shall not be reviewed by Rockdale County.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-42. - Stormwater concept plan and consultation meeting.**

- (a) Before any stormwater management permit application is submitted, the landowner or developer shall meet with the director for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting shall take place prior to the submission of any development or redevelopment plan. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project; as well as to discuss and assess constraints, opportunities, and potential ideas for stormwater management designs before the formal site design engineering is commenced.
- (b) To accomplish this goal, the following information shall be included in the concept plan, which shall be submitted to the director a minimum of five business days prior to the meeting:
  - (1) *Existing conditions/proposed site plans.* Existing conditions and proposed site layout sketch plans that illustrate, at a minimum, existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas, and other impervious surfaces.
  - (2) *Natural resources inventory.* A written or graphic inventory of the natural resources located within a ¼-mile radius of the site as they exist prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site; as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
  - (3) *Post-development stormwater management system concept plan.* A written or graphic concept plan of the proposed post-development stormwater management system, including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.
  - (4) Local watershed plans, the Rockdale County greenspace projection plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the concept plan.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-43. - Stormwater management plan requirements.**

- (a) The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this article, including the performance criteria set forth in division 3 of this article.
- (b) The stormwater management plan shall be in accordance with the criteria established in this section and must be submitted with the stamp and signature of a professional engineer (PE) or registered landscape architect licensed in the State of Georgia, who is qualified to address stormwater issues and who must verify that the design of all stormwater management facilities and practices meet the requirements of the Georgia Stormwater Management Manual.

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- (c) The stormwater management plan must ensure compliance with the requirements and criteria in this article and minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required by the Georgia Stormwater Management Manual. This includes:

- (1) Common address and legal description of site.
- (2) Vicinity map.
- (3) Existing conditions hydrologic analysis.

The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types, and land cover of areas for each sub-basin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.

- (4) *Post-development hydrologic analysis.* The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project; calculations for determining the runoff volumes that need to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria in division 3 of this article; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in division 3 of this article must be met for the stormwater runoff from the entire site.
- (5) Where the existing development is to be redeveloped, the applicant should attempt to make every reasonable effort to provide water quality and detention for the total land area of the redeveloped site, which may include but not be limited to underground detention and subsurface water quality treatment.
- (6) The applicant shall utilize the Metropolitan North Georgia Water Planning District's spreadsheet based computer modeling tool to complete the post-development hydrologic water quality analysis. This modeling tool can be accessed online at <http://www.rockdalecounty.org>.
- (7) *Stormwater management system.* The description, scaled drawings, and design calculations for the proposed post-development stormwater management system shall include a map and/or drawing of the stormwater management facilities, including the location of non-structural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in division 3 of this article;

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drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

- (8) *Post-development downstream analysis.* A downstream peak flow analysis, which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the Georgia Stormwater Management Manual.
- (9) *Construction-phase erosion and sedimentation control plan.* An erosion and sedimentation control plan which satisfies the requirements of chapter 306 of the Code of Ordinances of Rockdale County, Georgia. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.
- (10) *Landscaping and open space plan.* A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (11) *Operations and maintenance plan.* Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, ongoing funding sources, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
- (12) *Maintenance access easements.* The applicant must ensure adequate access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property. Regular maintenance shall be the responsibility of the homeowner's association or the property owner.
- (13) *Inspection and maintenance agreements.* Unless an on-site stormwater management facility or practice is dedicated to and accepted by the director, as provided in subsection 310-44(e), the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with section 310-44

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- (14) *Evidence of acquisition of applicable environmental permits.* The applicant shall certify and provide documentation to the director that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.
- (15) *Fencing of retention and detention areas.* Permanent cyclone fencing or equivalent at least four feet in height shall be required around all those facilities having a maximum water on undercut depth of more than four feet or a bank slope steeper than 2:1 (horizontal:vertical) or those designated by the health department as constituting a public health hazard. This fencing shall be designed, installed and maintained to allow the free flow of runoff and sediment into the facility. The fence shall include a gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 19, 5-22-2007; Ord. No. 0-2007-14, § 19, 7-24-2007)

#### **Sec. 310-44. - Stormwater management inspection and maintenance agreements.**

- (a) Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the director requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the director, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.
- (b) The inspection and maintenance agreement, if applicable, must be approved by the director prior to plan approval, and recorded in the office of the Rockdale County Clerk of Superior Court, real estate division upon final plat approval.
- (c) The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner(s). If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
- (d) The inspection and maintenance agreement shall include a schedule for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.
- (e) The Rockdale County Board of Commissioners may, upon recommendation by the director, accept in lieu of an inspection and maintenance agreement the dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-45. - Performance guarantee.**

- (a) Prior to issuance of a stormwater management permit under this article, the applicant shall provide to the county sufficient financial security to guarantee the performance of stormwater management facilities for a period of two years after the final plat is recorded or a certificate of occupancy is issued, described in the applicant's approved stormwater management plan. The applicant's financial guarantee may be any of the following: (1) an escrow of funds with the county; (2) an escrow with a bank or savings and loan association upon which the county can draw funds; (3) an irrevocable letter

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of commitment or credit upon which the county can draw funds; (4) a certificate of deposit with assignment letter; and (5) any other form of guarantee approved by the board of commissioners that will satisfy the objectives of this article. The guarantee shall be in an amount to secure the full costs, as determined by the director, of constructing, installing or maintaining the stormwater management facilities required by this article.

- (b) In the event the applicant or responsible person fails to ensure adequate maintenance pursuant to the approved stormwater management plan, the director may elect to take those steps necessary to correct the defective maintenance pursuant to the provisions of section 310-74

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-46. - Application procedure.**

- (a) Applications for stormwater management permits shall be filed with the director.
- (b) Permit applications shall include the items set forth in subsection 310-41(c) of this article (two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included).
- (c) The director shall notify the applicant in writing within 30 days of receipt of the completed application whether the application, stormwater management plan, and inspection and maintenance agreement are approved or denied.
- (d) If the permit application, stormwater management plan or inspection and maintenance agreement are denied the written notification from the director shall specify the reasons for the denial, and the applicant may then revise any item not meeting the requirements hereof and resubmit the same. Such resubmittal shall be treated as a new application; however, no new application fee shall be required.
- (e) Upon a finding by the director that the stormwater management permit application, stormwater management plan, and inspection and maintenance agreement, if applicable, meet the requirements of this article; the director shall issue a stormwater management permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- (f) Notwithstanding the issuance of the stormwater management permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:
  - (1) The applicant shall comply with all applicable requirements of the approved plan and this article and shall certify that all land development will be completed according to the approved plan.
  - (2) The land development project shall be conducted only within the area specified in the approved plan.
  - (3) No changes may be made to an approved stormwater management plan without review and written approval by the director.
  - (4) Upon completion of the land development project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans pursuant to section 310-62 of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-47. - Permit application fees.**

The fee for review of an application for a stormwater management permit shall be based on the fee structure established by the county board of commissioners. The total fee due shall be submitted with the application and review of the application shall not begin until the permit application fee is paid in full.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

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Sec. 310-48. - Stormwater management plan modifications for off-site facilities.

- (a) The stormwater management plan for each land development project should provide for stormwater management measures located on the site of the project. Where the physical characteristics of the site so dictate, as determined by the director, the applicant may be allowed to modify the stormwater management plan to utilize an off-site or regional stormwater management facility.
- (b) A modified stormwater management plan must be submitted to the director that shows the adequacy of the off-site or regional facility.
- (c) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the director that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
  - (1) Increased threat of flood damage to public health, life, and property.
  - (2) Deterioration of existing culverts, bridges, dams, and other structures.
  - (3) Accelerated streambank or streambed erosion or siltation.
  - (4) Degradation of in-stream biological functions or habitat.
  - (5) Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.
- (d) The off-site or regional facility must be:
  - (1) Located on property legally dedicated for the purpose.
  - (2) Designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices.
  - (3) There must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility.
- (e) In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

**Secs. 310-49—310-50. - Reserved.**

### **DIVISION 3. - POST-DEVELOPMENT STORMWATER MANAGEMENT PERFORMANCE CRITERIA**

**Sec. 310-51. - Water quality.**

- (a) All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:
  - (1) It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual.
  - (2) Appropriate structural stormwater controls or non-structural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual.
  - (3) Runoff from hotspot land uses and activities identified by the director are adequately treated and addressed through the use of appropriate structural stormwater controls, non-structural practices, and pollution prevention practices.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

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### **Sec. 310-52. - Stream channel protection.**

- (a) Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:
  - (1) Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer.
  - (2) 24-hour extended detention storage of the one-year, 24-hour return frequency storm event.
  - (3) Erosion prevention measures such as energy dissipation and velocity control.
- (b) The director may modify or waive the requirements of this section for sites that discharge directly into larger streams, rivers, wetlands, or lakes, or to a manmade channel or conveyance system where the reduction in these flows will not have an impact on upstream or downstream streambank or channel integrity.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Sec. 310-53. - Overbank flooding protection.**

- (a) Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under subsection 310-52(b) is waived or modified, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided.
- (b) The director may modify or waive the provisions of subsection (a) for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Sec. 310-54. - Extreme flooding protection.**

- (a) Extreme flood and public safety protection shall be provided by controlling and/or safely conveying the 100-year, 24-hour storm event such that flooding is not exacerbated.
- (b) Extreme flood protection shall be provided either by controlling the 100-year, 24-hour return frequency storm event through on-site or regional structural stormwater controls to maintain the existing 100-year floodplain and/or by sizing the on-site conveyance system to safely pass the 100-year, 24-hour return frequency storm event and allowing it to discharge into a receiving water whose protected floodplain is sufficiently sized to account for extreme flow increases without causing damage.
- (c) The director may modify or waive the provisions of subsection (a) for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Sec. 310-55. - Structural stormwater controls.**

- (a) All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be

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documented through prior studies, literature reviews, or other means and receive approval from the director before being included in the design of a stormwater management system.

- (b) Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-56. - Stormwater credits for non-structural measures.**

The use of one or more better site design measures by the applicant may allow for a reduction in the water quality treatment volume required under section 310-51. The applicant may, if approved by the director, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-57. - Drainage system guidelines.**

Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters, shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

- (1) Methods to calculate stormwater flows shall be in accordance with the Georgia Stormwater Management Manual.
- (2) All culverts, pipe systems, and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the Georgia Stormwater Management Manual.
- (3) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-58. - Dam design guidelines.**

Any land development activity that involves a site which proposes a dam, as such term is defined by O.C.G.A. § 12-5-372(4), shall comply with the Georgia Safe Dams Act and Rules for Dam Safety, as applicable.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Secs. 310-59, 310-60. - Reserved.**

### **DIVISION 4. - CONSTRUCTION INSPECTIONS OF POST-DEVELOPMENT STORMWATER MANAGEMENT SYSTEM**

#### **Sec. 310-61. - Inspections to ensure plan compliance during construction.**



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- (a) Periodic inspections of the stormwater management system construction shall be conducted by the director or conducted and certified by a P.E. licensed in the State of Georgia, a registered landscape architect (RLA), or a registered surveyor (RLS) who has been approved by the director. However, the P.E., RLA, or RLS who conducts the periodic inspection, if applicable, shall not be the person who certifies the plans pursuant to section 310-62. The purpose of the inspections shall be to establish compliance with the approved stormwater management plan.
- (b) All inspections shall be documented with written reports that contain the following information:
  - (1) The date and location of the inspection.
  - (2) Whether construction is in compliance with the approved stormwater management plan.
  - (3) Variations from the approved construction specifications.
  - (4) Any other variations or violations of the conditions of the approved stormwater management plan.
- (c) If any violations are found the applicant shall be notified in writing in accordance with the provisions of section 310-81

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-62. - Final inspection and as-built plans.**

Upon completion of a project, and before a certificate of occupancy shall be granted or a final plat recorded, the applicant shall be responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a P.E. licensed in the State of Georgia, an RLA or an RLS. A final inspection by the director is required before the release of any performance securities can occur. The director may verify the accuracy of the submitted as-built plans prior to the issuance of a final recorded plat or certificate of occupancy.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Secs. 310-63—310-70. - Reserved.**

### **DIVISION 5. - ONGOING INSPECTION AND MAINTENANCE OF STORMWATER FACILITIES AND PRACTICES**

#### **Sec. 310-71. - Long-term maintenance inspection of stormwater facilities and practices.**

- (a) Stormwater management facilities and practices included in a stormwater management plan that are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan, and this article.
- (b) A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the director shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement the director may correct the violation as provided in section 310-74 of this article.

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- (c) Inspection programs by the director may be established on any reasonable basis; including, but not limited to, routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-72. - Right-of-entry for inspection.**

The terms of the inspection and maintenance agreement shall expressly allow the director to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when he has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-73. - Records of maintenance activities.**

Parties responsible for the operation and maintenance of a stormwater management facility shall, upon his request, provide records of all maintenance and repairs to the director.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-74. - Failure to maintain.**

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the director, after 30 days' written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Secs. 310-75—310-80. - Reserved.**

### **DIVISION 6. - VIOLATIONS AND PENALTIES**

#### **Sec. 310-81. - Notice of violation.**

If the director determines that an applicant or other responsible person has failed to comply with the provisions of this article or is engaged in activity covered by this article without having first secured a stormwater management permit, a notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The applicant or other responsible person shall be provided a reasonable opportunity, of not less than ten days, to cure such violation; except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient. The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person.
- (2) The address or other description of the site upon which the violation is occurring.
- (3) A statement specifying the nature of the violation.

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- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the stormwater management permit, the stormwater management plan, or this article and the date for the completion of such remedial action.
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-82. - Penalties.**

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed.

- (1) *Stop work order.* The director may issue a stop work order that shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- (2) *Withhold certificate of occupancy.* The director may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) *Suspension, revocation or modification of permit.* The director may suspend, revoke or modify any permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the director may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the director shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the director has taken one or more of the actions described above, the director may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) *Criminal penalties.* For intentional and flagrant violations of this ordinance, the Director may issue a citation to the applicant or other responsible person, requiring such person to appear in the Magistrate Court of Rockdale County to answer charges for each violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2007-09, § 20, 5-22-2007)

#### **Secs. 310-83—310-100. - Reserved.**

#### **ARTICLE IV. - STREAM BUFFER PROTECTION**

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#### **Sec. 310-101. - Purpose and intent.**

The purpose and intent of this article is to protect the public health, safety, environment and general welfare; to minimize public and private losses resulting from erosion, siltation, and water pollution; and to maintain stream water quality by provisions designed to:

- (1) Create buffer zones along the streams of Rockdale County for the protection of water resources.
- (2) Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-102. - Applicability.**

This article shall apply to all land development activity on property containing a stream protection area as defined in this chapter. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law. Any approval pursuant to or exemption from the provisions of this article does not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-103. - Land development stream buffer requirements.**

- (a) All land development activity, including subdivisions of land and platting activities governed by chapter 302 of the UDO, shall meet the following buffer and setback requirements unless otherwise exempted in this article:
  - (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
  - (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
  - (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.
- (b) Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to section 310-105

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-104. - Exemptions.**

- (a) *Pre-existing conditions.* This article shall not apply to the following pre-existing conditions:
  - (1) Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this article.
  - (2) Existing development and on-going land development activities including but not limited to existing silviculture, landscaping, gardening and lawn maintenance, except that new development or land development activities on such properties will be subject to all applicable buffer requirements.
  - (3) Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this article.

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- (4) Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this article.
- (b) *Exempted activities.* This article shall not apply to the following:
- (1) Activities for the purpose of building one or more of the following:
    - a. A stream crossing by a driveway, transportation route or utility line.
    - b. Public water supply intake or public wastewater outfall structures.
    - c. Intrusions necessary to provide access to a property.
    - d. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks.
    - e. Unpaved foot trails and paths.
    - f. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.
  - (2) Public sewer line easements paralleling the stream, except that all easements (permanent and construction) and land development activities should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in subsection (b)(1), above.
  - (3) Permitted land development activities within a right-of-way existing at the time this article takes effect or approved under the terms of this article.
  - (4) Within an easement of any utility existing at the time this article takes effect or approved under the terms of this article, land development activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
  - (5) Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the director on the next business day after commencement of the work. Within ten days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the director to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
  - (6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land development in the buffer that would otherwise be prohibited, then no other land development activity other than normal forest management practices will be allowed on the entire property for three years after the end of the activities that intruded on the buffer.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-105. - Variances.**

- (a) Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

Where a parcel was platted prior to the effective date of this chapter 310 (July 26, 2005), and its shape, topography or other existing physical condition prevents land development consistent with this article, and the director finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the board of zoning appeals may grant a variance

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from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.

- (b) The board of zoning appeals shall grant no variance from any provision of this article without first conducting notice and a public hearing on the application for variance and authorizing the granting of the variance in accordance with the procedures of UDO section 238-9
- (c) Variances will be allowed only in the following cases:
  - (1) When a property's size, shape, topography or other physical conditions prevents land development unless a buffer variance is granted.
  - (2) When such unusual circumstances exist so that strict adherence to the minimal buffer requirements in this chapter would create an extreme hardship.
  - (3) When relief, if granted, would not cause a substantial detriment to the public good or impair the purposes and intent of this chapter.
- (d) Variances shall not be considered when actions of any property owner of a given property have created conditions of a hardship on that property.
- (e) At a minimum, an application for a variance shall include the following information:
  - (1) A site map that includes locations of all streams, wetlands, floodplain boundaries, and other natural features, as determined by field survey.
  - (2) A description of the shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.
  - (3) A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land development, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated.
  - (4) Documentation of unusual hardship should the buffer be maintained.
  - (5) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible.
  - (6) A calculation of the total area and length of the proposed intrusion.
  - (7) A stormwater management site plan, if applicable.
  - (8) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
  - (9) Other information required in subsection 238-9(d).
- (f) The following factors shall be considered in determining whether to issue a variance:
  - (1) The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.
  - (2) The locations of all streams on the property, including along property boundaries.
  - (3) The location and extent of the proposed buffer or setback intrusion.
  - (4) Whether alternative designs are possible which require less intrusion or no intrusion.
  - (5) The long-term and construction water-quality impacts of the proposed variance.
  - (6) Whether issuance of the variance is at least as protective of natural resources and the environment.
- (g) Appeals from final decisions of said variances by the board of adjustments shall be as provided for in UDO section 238-13

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(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-106. - Additional information requirements for development on buffer zone properties.**

Any land disturbance permit applications pursuant to section 306-5 of this Code for property requiring buffers and setbacks hereunder must include the following information:

- (1) A site plan showing:
  - a. The location of all streams on the property.
  - b. Limits of required stream buffers and setbacks on the property.
  - c. Buffer zone topography with contour lines at no greater than five-foot contour intervals.
  - d. Delineation of forested and open areas in the buffer zone.
  - e. Detailed plans of all proposed land disturbance in the buffer and of all proposed impervious cover within the setback.
- (2) A description of all proposed land disturbance within the buffer and setback.
- (3) Any other documentation that the director may reasonably deem necessary for review of the application and to insure that the provisions of this article are addressed in the approval process.
- (4) All buffer and setback areas must be recorded on the final plat of the property following plan approval.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-107. - Inspection.**

The director may cause inspections of the work in the buffer or setback to be made in accordance with the provisions of section 306-6 of this Code.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-108. - Violations, penalties, and enforcement.**

- (a) *Notice of violation.* If the director determines that a land disturbance permit applicant or other responsible person has failed to comply with the provisions of this article, he shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured the appropriate permit therefore, the notice of violation shall be served on the property owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
  - (1) The name and address of the owner or the applicant or the responsible person.
  - (2) The address or other description of the site upon which the violation is occurring, or has occurred.
  - (3) A statement specifying the nature of the violation.
  - (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the land disturbance permit, the approved site plan, or this article and the date for the completion of such remedial action.
  - (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.
- (b) *Penalties and enforcement.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom

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the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the director shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the director may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) *Stop work order.* The director may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.
- (2) *Withhold certificate of occupancy.* The director may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) *Suspension, revocation or modification of land disturbance permit.* The director may suspend, revoke or modify the land disturbance permit authorizing the project in accordance with the provisions of section 306-7 of this Code.
- (4) *Citations.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the director shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient), the director may issue a citation to the applicant or other responsible person, requiring such person to appear in the Magistrate Court of Rockdale County to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-109. - Compatibility with other buffer regulations and requirements.**

This article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this article should be considered minimum requirements, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-110. - Responsibility for damages.**

Neither the issuance of a land disturbance permit nor compliance with the conditions thereof, nor with the provisions of this article shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon Rockdale County, its officers or employees, for injury or damage to persons or property.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Secs. 310-111—310-130. - Reserved.**

### **ARTICLE V. - STORMWATER UTILITY**



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### **Sec. 310-131. - Findings.**

The county board of commissioners makes the following findings of fact:

- (1) Rockdale County is authorized by the State Constitution, including, without limitation, Article IX, Section II, Paragraphs I(a) and III(a)(6) thereof and state law to provide stormwater management services throughout Rockdale County.
- (2) In order to protect the health, safety and welfare of the public, the government of Rockdale County hereby exercises its authority to establish a stormwater utility and establish rates for stormwater management services.
- (3) In promulgating the regulations contained in this Section, Rockdale County is acting pursuant to authority granted by the Constitution of the State of Georgia and the Charter of Rockdale County to provide for stormwater collection and disposal. Ga. Const. art. IX, § II, ¶ III(a)(6).
- (4) Improper management of stormwater runoff may cause erosion of lands, threaten businesses and residences, and other facilities with water damage and may create environmental damage to the rivers, streams and other bodies of water within and adjacent to Rockdale County.
- (5) A system for the collection, conveyance, storage, treatment and disposal of stormwater provides services to all properties within Rockdale County and surrounding areas.
- (6) The county presently owns and operates stormwater management systems and facilities, which have been developed over many years. The future usefulness and operational function of the existing stormwater management systems and facilities owned and operated by the county, and the additions and improvements thereto, rests on the ability of the county to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities within the county in concert with the management of other water resources within the county. In order to do so, the county must have both a comprehensive stormwater management program as well as an adequate and stable funding source for its comprehensive program operation and drainage related capital improvement needs.
- (7) Failure to effectively manage stormwater affects the operations of sanitary sewer operated by Rockdale County by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system.
- (8) Failure to effectively manage stormwater contributes to the further degradation of the water quality in area waterbodies which may result in higher levels of treatment requirements imposed on the county's wastewater treatment facilities and increased water treatment cost of potable water supplies.
- (9) Proper management of stormwater is a key element of having clean water with adequate assimilative capacity for treated wastewater discharges and adequate potable drinking water that are essential to support existing and future development in Rockdale County. Rockdale County has several rivers and streams listed on the list of impaired waters produced by the Georgia Department of Natural Resources, Environmental Protection Division, or other appropriate authorities pursuant to Section 303(d) of the Act.
- (10) The county is required under federal and state regulations [i.e. the county's National Pollutant Discharge Elimination System (NPDES) Phase II Georgia Notice of Intent (NOI) and stormwater permit effective March 13, 2003] to provide enhanced management of stormwater runoff quality to mitigate the impacts of pollutants which may be discharged from the public municipal separate storm sewer system (MS4) and stormwater conveyance system into State of Georgia or United States' waters. Therefore, it is appropriate for the county to impose a stormwater user fee charge upon all properties that may discharge, directly or indirectly, into the public MS4 and stormwater conveyance system, whether the property is private or public in nature.

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- (11) Compliance with the regulatory obligations of the NPDES permit will substantially increase the cost of stormwater management above that which is currently spent for water quality management, drainage and flood control.
- (12) The cost of operating and maintaining the county stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system.
- (13) The professional engineering and financing analysis, known as the stormwater utility implementation master plan, prepared by the county's consulting stormwater engineer, properly assesses and defines the county's stormwater management program problems, needs, goals, priorities as well as the stormwater management program funding strategy.
- (14) Given the stormwater management program problems, needs, goals, priorities and funding strategy identified in the professional engineering and financing analysis, it is appropriate to authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater management systems within the county in concert with other water resource management programs.
- (15) Stormwater management is applicable and needed throughout the unincorporated areas of the county. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management service area encompassing all lands and water bodies within the unincorporated areas of the county is consistent with the present and future needs of the community.
- (16) The stormwater needs in the county include, but are not limited to, protection of the public health, safety, and welfare of the community. Provision of stormwater management services renders and/or results in both a service and a benefit to all properties, property owners, citizens, and residents of the county in a variety of ways as described in the stormwater utility implementation master plan.
- (17) The services and benefits rendered, or resulting from provision of stormwater management services, may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater management systems and programs, and risk exposure. It is practical and equitable to allocate the cost of stormwater management among the owners of properties in proportion to the long term demands the properties impose on the county's stormwater management services which render or result in services and benefits to such properties and the owners thereof.
- (18) A stormwater utility provides the most practical and appropriate means of properly delivering stormwater management services throughout the county, and the most equitable means to regulate the use of a higher level of stormwater management services in the urban and suburban areas of the unincorporated portions of the county through stormwater user fee charges, user fees and other mechanisms as described in the stormwater utility implementation master plan prepared for the county.
- (19) A schedule of stormwater utility user fee charges based in part on the area of impervious surface located on each property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the urban and suburban areas of the unincorporated area of the county. Such user fee charges may be complemented by other types of charges which address specific needs, including, but not limited to, special service fees, special assessments, use of proceeds from special purpose local option sales taxes and other forms of revenue, as deemed appropriate by the board of commissioners.
- (20) The existence of privately owned and maintained on-site or off-site systems, facilities, activities or assets which reduce or otherwise mitigate the impact of a particular property on the county stormwater utility's cost of providing stormwater management services and/or stormwater management systems and facilities should be taken into account to reduce the user fee charge

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on that property either in the form of a direct reduction or credit, and such reduction or credit should be conditional upon continuing provision of such services, systems, facilities, activities or assets in a manner complying with the standards and codes as determined by the stormwater manager. Reductions or credits for privately owned and maintained stormwater management systems, facilities, activities or assets shall be generally proportional to the affect that such systems have on the peak rate of runoff from the property benefited by such systems.

- (21) The area of impervious surfaces on each property is the most important factor influencing the cost of the stormwater management services provided by the county or to be provided by the county in the future, and the area of impervious surfaces on each property is therefore the most appropriate parameter for calculating a periodic stormwater user fee charge.
- (22) It is imperative that the proceeds from all user fee charges for stormwater management services, together with any other revenues raised or otherwise allocated specifically to stormwater management services, be dedicated solely to those purposes, and such proceeds of user fee charges and revenues shall therefore be deposited into the enterprise accounting fund of the county stormwater utility and shall remain in that fund and be dispersed only for stormwater management capital, operating and non-operating costs, lease payments and debt service of bonds or other indebtedness for stormwater management purposes.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-132. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act:* Means and refers to the Clean Water Act as amended by the Water Quality Act of 1987 (33 U.S.C. § 1251 et seq. ), as amended, and the rules and regulations promulgated by the United States Environmental Protection Agency pursuant thereto.

*Credit:* Reduction in the amount of a stormwater user fee charge to the owner of a particular property for the existence and use of privately owned, maintained and operated on-site or off-site stormwater systems or facilities, or continuing provision of services or activities that reduce or mitigate the county stormwater utility's cost of providing stormwater management services for that particular property.

*Detached single-family residential property or DSFR:* Developed land containing one residential structure that is not attached to another dwelling, and which contains one or more bedrooms, with bathroom and kitchen facilities, designed for occupancy by one family. A detached single-family residential property may include a "stick-built," industrialized, or manufactured home located on one or more individual lots or parcels of land. Developed land may be classified as a detached single-family residential property even if there is present incidental structures associated with residential uses such as garages, carports, storage buildings, guest houses, servants or caretakers quarters, cottages or barns, or the presence of a commercial use within the residence, as long as such use does not result in additional areas of impervious surfaces. Detached single-family residential properties shall not include developed land containing structures used primarily for nonresidential purposes, manufactured homes located within manufactured home parks where the land is owned by someone other than the owners of the manufactured homes, or multiple dwelling unit residential properties.

*Developed land:* Property altered from its natural state by construction or installation of more than 200 square feet of impervious surfaces.

*Equivalent runoff unit (ERU):* The statistical median horizontal impervious surface area of a detached single-family residential property within Rockdale County as of the date of adoption of this article. The horizontal impervious surface area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks.

*Impervious surfaces:* See section 106-1.

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*Manufactured home property:* A single-family property or lot that is occupied by a manufactured home used for residential purposes.

*Multiple dwelling unit residential property:* Developed land whereon more than one residential dwelling unit is located, and shall include, but not be limited to, duplexes, triplexes, apartment houses, condominiums, town homes, attached single-family homes, boardinghouses, group homes, hotels and motels, retirement centers and other structures in which more than one family group commonly and normally reside or could reside.

*Non-single-family residential property or NSFR:* Developed lands containing multiple dwelling unit residential properties, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas, parking lots, parks, recreation properties, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses, water and wastewater treatment plants, and any other form of use not otherwise mentioned which is not a detached single-family residential property.

*Service area:* A specified portion of the unincorporated area of the county which has been identified as having unique land use and impervious surface conditions requiring distinct stormwater management services.

*Stormwater management services:* All services provided by the county which relate to the:

- (1) Transfer, control, conveyance or movement of stormwater runoff through the unincorporated portions of the county.
- (2) Maintenance, repair and replacement of existing stormwater management systems and facilities.
- (3) Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs.
- (4) Regulation of the use of stormwater management services, systems and facilities.
- (5) Education of the public as to stormwater issues.
- (6) Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

*Stormwater management systems and facilities:* Those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, head walls, storm sewers, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff, which are owned by the county or through which the county has an easement or other legally binding right of use for stormwater drainage, and for which the county has the obligation of maintenance for stormwater drainage purposes.

*Stormwater manager:* The person appointed by the director of the Rockdale County Department of Public Services and Engineering to administer and enforce the provisions of this article.

*Stormwater user fee charge:* The periodic user fee charge imposed pursuant to this article by the county stormwater utility for providing stormwater management services. This term may also include special charges to the owners of particular properties for services, systems or facilities related to stormwater management, including, but not limited to, charges for development plan review, inspection of development projects, on-site stormwater control systems and other stormwater management services provided by Rockdale County for which a corresponding fee is collected for the service rendered.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-133. - Stormwater utility and enterprise fund established.**

- (a) There is hereby established a stormwater utility to be known as the Rockdale County Stormwater Utility, which shall be responsible for stormwater management services throughout the

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unincorporated areas of the county, and which shall provide for the management, protection, control, regulation, use, and enhancement of the county's stormwater management services.

- (b) There is hereby established a stormwater utility enterprise fund in the county budgeting and accounting systems for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the county stormwater utility, including, but not limited to, rentals, rates, charges, fees and licenses, as may be established by the board of commissioners from time to time, and other funds that may be transferred or allocated to the county stormwater utility. All revenues and receipts of the stormwater utility shall be placed in the stormwater utility enterprise fund, and all expenses and capital investments of the stormwater utility shall be paid from the stormwater utility enterprise fund; provided, however, that other revenues, receipts, and resources not accounted for in the stormwater utility enterprise fund may be applied to stormwater management services as deemed appropriate by the board of commissioners.
- (c) The board of commissioners shall place within the department of public services and engineering the responsibility for operation, maintenance and regulation of the existing stormwater management services previously performed, owned and operated or maintained by Rockdale County, and other related assets, including, but not limited to, properties, other than road rights-of-way, upon which such stormwater management systems and facilities are located, easements, rights-of-entry and access and certain equipment used solely for stormwater management.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-134. - Scope of responsibility for stormwater management systems and facilities.**

- (a) The county owns or has rights established by written agreements that allow it to operate, maintain, improve, and access those stormwater management systems and facilities which are located:
  - (1) Within public road rights-of-way and easements.
  - (2) On private property but within easements granted to Rockdale County, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or other permanent provisions for operation, maintenance, improvement and access to the stormwater management and facilities.
  - (3) On public land which is owned by the county or another governmental entity, and to which the county has agreements providing for the operation, maintenance, improvement, and access to the stormwater management systems and facilities.
- (b) Operation, maintenance and/or improvement of stormwater management systems and facilities which are located on private or public property not owned by the county, and for which there has been no easement accepted by the county for operation, maintenance, improvement and access of such stormwater management systems and facilities, shall be and remain the legal responsibility of the property owner, except as otherwise directed by the board of commissioners according to subsection 82-5(a) of the Code of Rockdale County.
- (c) It is the express intent of this article to protect the public health, safety and welfare of people and property in general, but not to create any special duty or relationship with any individual person, or to any specific property within or outside the boundaries of the county. The county expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the county, its commissioners, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.
- (d) If any permit, plan approval, inspection or similar act is required by the county as a condition precedent to any activity or change upon property not owned by the county pursuant to this or any other regulatory ordinance, regulation or rule of the county, or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages or equitable remedies against the county, its commissioners, officers, employees or agents.

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(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 0-2011-11, § 1, 7-12-2011; Ord. No. 0-2013-05, § 1, 5-14-2013)

### **Editor's note—**

The "Stormwater Utility Construction Expenditure Rating System" (as shown in section 2 of Ord. No. 0-2011-11, adopted July 12, 2011), referenced as if fully set out herein, is on file and available for inspection in the office of the county clerk and/or the stormwater manager.

### **Sec. 310-135. - Stormwater service areas.**

- (a) There shall be two stormwater utility service areas in unincorporated Rockdale County to reflect significant variations in services provided to stormwater utility customers. The designated service areas and their respective locations for the county stormwater utility are as follows:
  - (1) The Big Haynes Creek Service Area shall consist of all parcels lying wholly or partially within the Big Haynes Creek Watershed. For purposes of this article the Big Haynes Creek Watershed shall consist of all properties located within the areas designated "existing WP limits" and "proposed WP limits" on the map attached to Ordinance No. 1994-12.
  - (2) The Rockdale Service Area shall consist of all other properties located in the unincorporated area of Rockdale County not included in the Big Haynes Creek Service Area.
- (b) The boundaries of the respective service areas may be amended from time to time, and additional service areas may be created by the board of commissioners to reflect changes in the levels of service required for various areas of the county.
- (c) A current map of the Rockdale County Stormwater Utility service areas shall be kept on file in the office of the stormwater manager for public inspection.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Sec. 310-136. - User fee charges.**

- (a) It shall be the policy of the county that user fee charges for stormwater management services to be provided by the stormwater utility in the designated service areas shall be equitably derived through methods which have a demonstrable relationship to the varied demands and impacts imposed on the stormwater management services by individual properties and/or the level of service rendered by or resulting from the provision of stormwater management services. Stormwater user fee charge rates shall be structured so as to be fair and reasonable, and the resultant user fee charges shall bear a substantial relationship to the cost of providing stormwater management services. Similarly situated properties shall be charged similar rentals, rates, charges, fees or licenses. User fee charge rates shall be structured to be consistent and coordinated with the use of other rates, charges, or fees employed for stormwater management within the unincorporated areas of the county, including, but not limited to, plan review and inspection fees, special fees for services, fees in lieu of regulatory requirements, system development charges and special assessments. In setting the rentals, rates, charges, fees or licenses for stormwater management services, the board of commissioners shall also take into consideration the impact such will have in regulating the use of such services.
- (b) To the extent practicable, credits against stormwater user fee charges shall be provided for on-site stormwater control systems and activities constructed, operated, maintained and performed to the county's standards by public and private property owners which eliminate, mitigate or compensate for the impact that the property or person may have upon stormwater runoff discharged to public stormwater management systems and facilities or to private stormwater management systems and facilities which impact the proper function of public stormwater management systems and facilities.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

### **Sec. 310-137. - Stormwater user fee charge rates.**

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- (a) Stormwater user fee charge rates shall be set and may be modified from time to time by the board of commissioners. In setting or modifying such rates it shall be the goal of the board of commissioners to establish rates that are fair and reasonable, reflect the value of the stormwater management services to those property owners who benefit there from, and which, together with other sources of support available to the county stormwater utility, are sufficient to support the cost of the stormwater management services, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other costs as deemed appropriate by the board of commissioners.
- (1) *Detached single-family residential (DSFR) customer class.* Detached single-family residential properties have been segregated into three separate tiers for billing based on a representative statistical analysis of impervious surface area located on the various properties.
- a. Establishment of the equivalent runoff unit (ERU):
    - 1. Big Haynes Creek Service Area: 1 ERU = 6,850 square feet, or portion thereof.
    - 2. Rockdale Service Area: 1 ERU = 3,420 square feet, or portion thereof.
    - 3. Manufactured home properties (regardless of service area location): 1 ERU = 1,015 square feet, or portion thereof.
  - b. The DSFR customer class shall be billed as follows:
    - 1. Big Haynes Creek Service Area DSFR Properties: 1.0 ERU per parcel.
    - 2. Rockdale Service Area DSFR Properties: 1.0 ERU per parcel.
    - 3. Manufactured home properties (regardless of service area location): 1.0 ERU per each manufactured home on the property.
- (2) *Non-single-family residential (NSFR) customer class.* Fractional ERUs for NSFR properties will be rounded to two decimal places to establish the actual number of ERUs for billing. ERUs for NSFR properties shall be:
- a. Big Haynes Creek Service Area: NSFR properties shall be billed one ERU for each 6,850 square feet, or portion thereof, of impervious surfaces located on the property.
  - b. Rockdale Service Area: NSFR properties shall be billed one ERU for each 3,420 square feet, or portion thereof, of impervious surfaces located on the property.
- (b) The user fee charge rates shall be applied to customers as follows:
- (1) The DSFR stormwater user fee flat rate charge for each ERU, or fractional ERU, shall be as follows:
- a. Big Haynes Creek Service Area: \$1.53 per month or \$18.36 per year.
  - b. Rockdale Service Area: \$3.39 per month or \$40.68 per year.
  - c. Manufactured home properties (regardless of service area location): \$1.01 per month or \$12.12 per year.
- (2) The NSFR stormwater user fee flat rate charge for each ERU, or fractional ERU shall be as follows:
- a. Big Haynes Creek Service Area: \$1.53 per ERU per month.
  - b. Rockdale Service Area: \$3.39 per ERU per month.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-138. - Stormwater user fee charge exemptions.**

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Except as provided in this section or otherwise provided by law, no public or private property located in the unincorporated area of Rockdale County shall be exempt from the stormwater user fee charges. No exception, credit, offset, or other reduction in stormwater user fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the stormwater utility's cost of providing stormwater management services and facilities. Exemptions to the stormwater user fee charges are as follows:

- (1) Parcels which contain no more than 200 square feet of impervious surfaces shall be exempt from stormwater user fee charges.
- (2) Railroad rights-of-way (tracks) shall be exempt from stormwater user fee charges. However, railroad stations, maintenance buildings, and/or other developed land used for railroad purposes shall not be exempt from stormwater user fee charges.
- (3) Georgia Department of Transportation (GDOT) streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction services undertaken by GDOT in association with GDOT rights-of-way and road systems. However, maintenance buildings and/or other developed land used for GDOT purposes shall not be exempt from stormwater user fee charges.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-139. - Stormwater user fee charge credits.**

- (a) The stormwater manager shall grant credits or adjustments based on the technical and procedural criteria set forth in the Credit Technical Manual. Copies of the Credit Technical Manual will be maintained by and available from the stormwater manager.
  - (1) A stormwater user fee charge credit shall be determined based on the technical requirements, standards and criteria contained in the Credit Technical Manual. The amount of credit, or reduction of the stormwater user fee charge, shall be in accordance with the criteria contained in the Credit Technical Manual.
  - (2) Any credit allowed against the stormwater user fee charge is conditioned on continuing compliance with the county's design and performance standards as stated in the Credit Technical Manual and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The stormwater manager may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Technical Manual or this article.
  - (3) In order to obtain a credit, the property owner must make application to the county on forms provided by the stormwater manager for such purpose, and in accordance with the procedures outlined in the Credit Technical Manual.
  - (4) Property owners may apply for any credits or adjustments that they believe apply.
  - (5) The application for any credit or adjustment must be in writing and must include the information necessary to establish eligibility for the credit or adjustment, and be in the format established by the stormwater manager. Incomplete applications will not be accepted for consideration and processing.
- (b) When an application for a credit is deemed complete by the stormwater manager, he shall have 30 days from the date the complete application is accepted to either grant the credit in whole, grant the credit in part, or deny the credit. Credits applied for by the property owner and granted in whole or in part, shall apply to all stormwater user fee charges in accordance with the terms defined in the Credit Technical Manual.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-140. - Enforcement methods and inspections.**



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### STORMWATER MANAGEMENT

- (a) All property owners of developed lands within the unincorporated areas of Rockdale County shall provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all county development regulations, ordinances, and state and federal laws. Any failure to meet this obligation shall constitute a violation of this article and be subject to citation and prosecution in the Magistrate Court of Rockdale County. Each day such violation exists shall constitute a separate offense.
- (b) Alternately, in the event a public nuisance is deemed to exist by the stormwater manager, the county may elect to sue in the Superior Court of Rockdale County to abate such nuisance. In the event a public nuisance is found by the court to exist, which the property owner fails to abate within such reasonable time as allowed by the court, the county may enter upon the property and cause work as is reasonably necessary to be performed, with the actual cost thereof assessed against the property owner in the same manner as a tax levied against the property. From date of filing of such abatement action, the county shall have lien rights which may be perfected, after judgment, by filing a notice of lien on the general execution docket of the Superior Court of Rockdale County.
- (c) The county shall have the right for its designated officers and employees to enter upon public and private property during reasonable hours and upon reasonable notice to the owner thereof, in order to assure compliance with the provisions of this article, and state and federal law. Such inspections shall be limited to the following purposes:
  - (1) Inspecting or conducting engineering tests on existing stormwater management systems and facilities located on-site; or
  - (2) Determining that stormwater management systems and facilities need to be constructed.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-141. - Stormwater user fee charge billing, delinquencies, collections, adjustments.**

- (a) Failure to receive a stormwater utility bill is not justification for non-payment. The property owner, as identified from public land records of Rockdale County, shall be obligated to pay the appropriate stormwater user fee charge for that property.
  - (1) *Billing.* Stormwater user fee charges shall begin to accrue October 1, 2005, and shall be billed prospectively. A bill for stormwater user fee charges may be sent through the United States Postal Service or by alternative means, notifying the owner of the property being billed of the amount of the stormwater user fee charge, less credits, the date the payment is due and the date when payment is past due.
  - (2) The stormwater user fee charge will be billed and collected separately, or as deemed most effective and efficient by the board of commissioners.
  - (3) Frequency of the billing of stormwater user fee charges shall be specified by the board of commissioners.
  - (4) Failure to receive a bill shall not be justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each developed property subject to stormwater user fee charges shall be obligated to pay stormwater user fee charges and any interest on delinquent stormwater user fee charge payments.
  - (5) If a property is unbilled, or if no bill is sent for a particular tract of developed land, the Rockdale County Stormwater Utility may back bill for a period of up to one year, but shall not be entitled to any interest for any delinquency during the back billed period.
- (b) *Delinquencies and collection.*
  - (1) Unpaid stormwater service fees shall be collected by filing suit to collect on an unpaid account and by using all methods allowed by Georgia law to collect on any judgment obtained thereby, including enforcement of any lien resulting from any such judgment. In no instance shall the unpaid user fee charge constitute a direct lien against the property.

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- (2) A one percent per month late charge shall be assessed against the owner for the unpaid balance of any stormwater utility user fee charge that becomes delinquent.
- (c) *Adjustments.* The stormwater manager shall administer the procedures and standards for the adjustment of the stormwater user fee charge.
- (1) Customers may seek an adjustment of the stormwater user fee charge allocated to a property at any time by submitting the request in writing to the stormwater manager and setting forth in detail the grounds upon which relief is sought.
  - (2) Customers requesting the adjustment may be required, at his, her or its own expense, to provide supplemental information to the stormwater manager, including, but not limited to, survey and customer account data provided and certified by a registered land surveyor or a professional engineer. Failure to provide such information within the time limits established by the stormwater manager, as may be reasonably extended, may result in denial of the adjustment request.
  - (3) Once a completed adjustment request and all required information are received by the stormwater manager, the stormwater manager shall have 30 calendar days within which to render a written decision. Concurrent payment of any charges allocated to the property is not required as a condition precedent to this request for review.
  - (4) In considering an adjustment request, the stormwater manager shall consider whether the calculation of the stormwater utility user fee charge for the property is correct.
  - (5) The stormwater manager's decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.
  - (6) If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater bill.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Sec. 310-142. - Appeals, hearings.**

- (a) *Appeals; how taken.* An appeal to the director may be taken by any property owner or customer aggrieved by any decision of the stormwater manager. The appeal shall be taken within 30 days of the decision of the stormwater manager by filing with the director a notice of appeal in writing specifying the grounds thereof. Upon the filing of the notice of appeal, the stormwater manager shall forthwith transmit to the director all documentation constituting the record upon which the decision appealed from was taken.
- (b) *Hearing.* The director shall fix a reasonable time for hearing the appeal and give written notice to the appellant at least ten days prior to the hearing date. The notice shall indicate the place, date and time of the hearing. The director shall affirm, reverse, affirm in part, or reverse in part the decision of the stormwater manager after hearing the evidence. If the decision of the stormwater manager is reversed in whole or in part, resulting in a refund or credit due to the property owner, then such refund or credit shall be calculated retroactive to the date of the initial appeal.
- (c) *Appeals from decisions of the director.*
- (1) Appeals from a decision of the director may be had to the board of adjustment in accordance with the procedures set forth in UDO section 238-8. Appeals from final decisions of the board of adjustment shall be as provided for in UDO section 238-13
  - (2) If the decision of the board of zoning appeals results in a refund or credit due to the property owner, then such refund or credit shall be calculated retroactive to the date of the initial appeal.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)

#### **Chapter 320 - FLOOD DAMAGE PREVENTION**

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### FOOTNOTE(S):

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**Editor's note**— Ord. No. 2007-09, § 26(Exh. B), adopted May 22, 2007, deleted Ch. 320 in its entirety and enacted a new Ch. 320 to read as set out herein. Former Ch. 320 pertained to similar subject matter and derived from Ord. No. 0-2006-32, §§ 1—3, adopted Nov. 28, 2006.

### Sec. 320-1. - Introduction.

(a) It is hereby determined that:

- (1) The flood hazard areas of Rockdale County, Georgia are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) Flood hazard areas can serve important stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas.
- (3) Effective floodplain management and flood hazard protection activities can:
  - a. Protect human life and health,
  - b. Minimize damage to private property,
  - c. Minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains, and
  - d. Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.

(b) Article IX, section II of the Constitution of the State of Georgia and section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the authority to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Rockdale County, Georgia, does ordain this chapter and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas consistent with federal, state and regional requirements. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

(Ord. No. 2007-09, § 26 (Exh. B), 5-22-2007)

### Sec. 320-2. - General provisions.

- (a) *Purpose and intent.* The purpose of this chapter is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation and ecological and environmental protection by provisions designed to:
- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - (2) Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;

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- (3) Control filling, grading, dredging and other development which may increase flood damage or erosion;
  - (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
  - (5) Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and,
  - (6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.
- (b) *Applicability.* This chapter shall be applicable to all areas of special flood hazard within Rockdale County, Georgia.
- (c) *Designation of ordinance administrator.* The director of GIS is hereby designated the floodplain manager. The floodplain manager is hereby appointed to administer and implement the provisions of this chapter.
- (d) *Basis for area of special flood hazard.* Floodarea maps and studies for the purposes of this chapter, the following are adopted by reference:
- (1) The flood insurance study (FIS), dated January 19, 2001, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference.
  - (2) Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and flood-prone areas include:
    - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, state or federal agency applicable to Rockdale County, Georgia; or
    - b. Any base flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology and approved by Rockdale County Department of Public Services and Engineering.
  - (3) Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas include:
    - a. Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, State or Federal agency applicable to Rockdale County, Georgia; or
    - b. Any future-conditions flood study authored by a registered professional engineer in the State of Georgia, which has been prepared by FEMA approved methodology and approved by Rockdale County Department of Public Services and Engineering.
  - (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at Rockdale County Department of Public Services and Engineering.
- (e) *Compatibility with other regulations.* This chapter is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or impose higher protective standards for human health or the environment shall control.
- (f) *Severability.* If the provisions of any section, subsection, paragraph, subdivision or clause of this chapter shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this chapter.

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(g) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Rockdale County, Georgia or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made there under.

(h) *Definitions.*

*Addition (to an existing building):* Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

*Appeal:* A request for a review of the floodplain manager's interpretation of any provision of this chapter or the department's enforcement of same consistent with section 320-6.

*Area of shallow flooding:* A designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

*Area of special flood hazard:* The land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood-prone areas at or below the base flood elevation (including A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and flood prone areas at or below the future-conditions flood elevation, and all other flood-prone areas as referenced in section 1.4. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

*Base flood:* The flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

*Base flood elevation:* The highest water surface elevation anticipated at any given point during the base flood.

*Basement:* See section 106-1.

*Building:* See section 106-1.

*Development:* See section 106-1.

*Elevated building:* A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

*Existing construction:* Any structure for which the "start of construction" commenced before March 6, 1975.

*Existing manufactured home park or subdivision:* See section 106-1.

*Expansion to an existing manufactured home park or subdivision:* See section 106-1.

*FEMA:* The Federal Emergency Management Agency.

*Flood or flooding:* A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters; or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

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*Flood hazard boundary map or FHBM:* An official map of a community, issued by the federal insurance administration, where the boundaries of areas of special flood hazard have been defined as zone A.

*Flood insurance rate map or FIRM:* An official map of a community, issued by the federal insurance administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

*Flood insurance study or FIS:* The official report by the federal insurance administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

*Floodplain:* See section 106-1.

*Floodproofing:* Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway or regulatory floodway:* The channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

*Functionally dependent use or facility:* A use or facility which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

*Future conditions flood:* The flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

*Future-conditions flood elevation:* The flood standard equal to or higher than the base flood elevation. The future-conditions flood elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

*Future-conditions floodplain:* Any land area susceptible to flooding by the future-conditions flood.

*Future-conditions hydrology:* The flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

*Highest adjacent grade:* The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

*Historic structure:* Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on Georgia's inventory of historic places and determined as eligible by the State Historic Preservation Officer; or
- (d) Individually listed on Rockdale County's inventory of historic places or identified as an Historic Resource in the Rockdale County Comprehensive Plan.

*Lowest floor:* See section 106-1.

*Manufactured home:* A structure meeting any definition of manufactured home set forth in section 106-1. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

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*Mean sea level:* See section 106-1.

*National geodetic vertical datum (NGVD):* See section 106-1.

*New construction:* Any structure (see definition) for which the "start of construction" commenced after March 6, 1975 and includes any subsequent improvements to the structure.

*New manufactured home park or subdivision:* See section 106-1.

*North American Vertical Datum (NAVD) of 1988:* See section 106-1.

*Owner:* See section 106-1.

*Permit:* See section 106-1.

*Recreational vehicle:* See section 106-1.

*Repetitive loss:* Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals, or exceeds 25 percent of the market value of the structure before the damage occurred.

*Site:* The parcel of land being developed, or the portion thereof on which the development project is located.

*Start of construction:* The date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (Note: accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure:* A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

*Subdivision:* See section 106-1.

*Substantial damage:* See section 106-1.

*Substantial improvement:* Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a ten-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures, which have incurred "repetitive loss" or "substantial damage" regardless of the actual amount of repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the code enforcement official, and not solely triggered by an improvement or repair project.

*Substantially improved existing manufactured home park or subdivision:* Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

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**Variance:** A grant of relief from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter, consistent with the standards set forth and referenced herein.

**Violation:** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

(Ord. No. 2007-09, § 26 (Exh. B), 5-22-2007)

#### **Sec. 320-3. - Permit procedures and requirements.**

**(a) Permit application requirements.**

- (1) No owner or developer shall perform any development activities on a site where an area of special flood hazard is located without first meeting the requirements of this chapter prior to commencing the proposed activity.
- (2) Unless specifically excluded by this chapter, any landowner or developer desiring a permit for a development activity shall submit to the Rockdale County Department of Public Services and Engineering a permit application on a form provided by the Rockdale County Department of Public Services and Engineering for that purpose.
- (3) No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this chapter.

**(b) Floodplain management plan requirements.** An application for a development project with any area of special flood hazard located on the site will be required to include a floodplain management/flood damage prevention plan. This plan shall include the following items:

- (1) Site plan drawn to scale, which includes but is not limited to:
  - a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, and storage of materials or equipment;
  - b. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or two foot contour elevations throughout the building site;
  - c. Proposed locations of water supply, sanitary sewer, and utilities;
  - d. Proposed locations of drainage and stormwater management facilities;
  - e. Proposed grading plan;
  - f. Base flood elevations and future-conditions flood elevations;
  - g. Boundaries of the base flood floodplain and future-conditions floodplain;
  - h. If applicable, the location of the floodway; and
  - i. Certification of the above by a registered professional engineer or surveyor.
- (2) Building and foundation design detail, including but not limited to:
  - a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
  - b. Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
  - c. Certification that any proposed nonresidential floodproofed structure meets the criteria in subsection [320-5(b)(2)];



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- d. For enclosures below the base flood elevation, location and total net area of foundation openings as required in subsection [320-5(a)(5)].
  - e. Design plans certified by a registered professional engineer or architect for all proposed structure(s).
- (3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
  - (4) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre-and post development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, special flood hazard areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;
  - (5) Copies of all applicable state and federal permits necessary for proposed development;
  - (6) All appropriate certifications required under this chapter; and
  - (7) The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.
- (c) *Construction stage submittal requirements.* For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the floodplain manager a certified as-built elevation certificate or flood-proofing certificate for nonresidential construction including the lowest floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. A final elevation certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The floodplain manager shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order by the department of public services and engineering for the project.
- (d) *Duties and responsibilities of the floodplain manager.* Duties of the floodplain manager shall include, but shall not be limited to:
- (1) Review all development applications and permits to assure that the requirements of this chapter have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
  - (2) Require that copies of all necessary permits from governmental agencies from which approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, be provided and maintained on file;
  - (3) When base flood elevation data or floodway data have not been provided, then the floodplain manager shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to meet the provisions of sections 320-4 and 320-5
  - (4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;
  - (5) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood-proofed;

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- (6) When flood-proofing is utilized for a nonresidential structure, the floodplain manager shall obtain from the applicant certification of design criteria from a registered professional engineer or architect;
- (7) Notify affected adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain manager shall make the necessary interpretation. Any person contesting the location of the boundary shall be given an opportunity to appeal as provided in section 320-6. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps; and,
- (9) All records pertaining to the provisions of this chapter shall be maintained in the office of the floodplain manager and shall be open for public inspection.

(Ord. No. 2007-09, § 26 (Exh. B), 5-22-2007)

#### **Sec. 320-4. - Standards for development.**

##### **(a) *Definition of floodplain boundaries.***

- (1) Studied "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
- (2) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the Rockdale County Department of Public Services and Engineering. If future-conditions elevation data is not available from the Rockdale County Department of Public Services and Engineering, then it shall be determined by the developer's or contractor's registered professional engineer using a method approved by FEMA and the Rockdale County Department of Public Services and Engineering. Methodologies that are acceptable are HEC-RAS compatible and must be provided in HEC-RAS compatible format via electronic means for inclusion into Rockdale County's Geographical Information System. As a note, cross sections must be no greater than 100 feet along the thalweg. The entire model must be submitted in Georgia State Plane (W), feet, NAD93, NAVD 88 in HEC-RAS 3.1.3 compatible format.

##### **(b) *Definition of floodway boundaries.*** The width of a floodway shall be determined from the FIS or FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the Rockdale County Department of Public Services and Engineering. If floodway data is not available from the Rockdale County Department of Public Services and Engineering, then it shall be determined by the applicant's registered professional engineer using a method approved by FEMA and the Rockdale County Department of Public Services and Engineering.

##### **(c) *General standards.***

- (1) No development shall be allowed within the future-conditions floodplain that could result in any of the following:
  - a. Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
  - b. Reducing the base flood or future-conditions flood storage capacity;
  - c. Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or

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- d. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (2) Any development within the future-conditions floodplain allowed under above shall also meet the following conditions:
- a. Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
  - b. Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
  - c. Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
  - d. Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of subsection (d);
  - e. Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and
  - f. Any significant physical changes to the base flood floodplain shall be submitted as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Rockdale County Department of Public Services and Engineering using the community consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final letter of map revision (LOMR).
- (d) *Engineering study requirements for floodplain encroachments.* An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of section 320-5(d) apply. This study shall be prepared by a currently registered professional engineer in the State of Georgia and made a part of the application for a permit. This information shall be submitted to and approved by the Rockdale County Department of Public Services and Engineering prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include each of the following:
- (1) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development.
  - (2) Step-backwater analysis, using a FEMA-approved methodology approved by the Rockdale County Department of Public Services and Engineering. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles. Methodologies that are acceptable are HEC-RAS compatible and must be provided in HEC-RAS compatible format via electronic means for inclusion into Rockdale County's Geographical

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Information System. As a note, cross sections must be no greater than 100 feet along the thalweg. The entire model must be submitted in Georgia State Plane (W), feet, NAD93, NAVD 88.in HEC-RAS 3.1.3 compatible format.

- (3) Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development. Methodologies that are acceptable are HEC-RAS compatible and must be provided in HEC-RAS compatible format via electronic means for inclusion into Rockdale County's Geographical Information System. As a note, cross sections must be no greater than 100 feet along the thalweg. The entire model must be submitted in Georgia State Plane (W), feet, NAD93, NAVD 88.in HEC-RAS 3.1.3 compatible format.
  - (4) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.
- (e) *Floodway encroachments.* Located within areas of special flood hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore the following provisions shall apply:
- (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in subsection (2) below;
  - (2) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof in HEC-RAS 3.1.3 compatible format via electronic means for inclusion into Rockdale County's Geographical Information System. As a note, cross sections must be no greater than 100 feet along the thalweg. The entire model must be submitted in Georgia State Plane (W), feet, NAD93, NAVD 88.in HEC-RAS 3.1.3 compatible format; and,
  - (3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the Rockdale County Department of Public Services and Engineering until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA and no-rise certification is approved by the Rockdale County Department of Public Services and Engineering.
- (f) *Maintenance requirements.* The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The Rockdale County Department of Public Services and Engineering may direct the property owner (at no cost to Rockdale County, Georgia) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the Rockdale County Department of Public Services and Engineering.

(Ord. No. 2007-07, § 1, 3-27-2007)

### **Sec. 320-5. - Provisions for flood damage reduction.**

- (a) *General standards.* In all areas of special flood hazard the following provisions apply:
- (1) New construction of principal buildings (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of subsections 320-4(c), 320-4(d), and 320-4(e) have been met;

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- (2) New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (3) New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;
- (5) *Elevated buildings.* All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
    - i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - ii. The bottom of all openings shall be no higher than one foot above grade; and,
    - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
  - b. So as not to violate the "lowest floor" criteria of this chapter, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,
  - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (6) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (7) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (8) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (9) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (10) On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding; and,
- (11) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this chapter, shall be undertaken only if the non- conformity is not furthered, extended or replaced.
- (12) If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

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- (b) *Building standards for structures and buildings within the future-conditions floodplain.* The following provisions, in addition to those in subsection (a), shall apply:

(1) *Residential buildings.*

- a. *New construction.* New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of subsections 320-4(c), 320-4(d) and 320-4(e) have been met. If all of the requirements of said Sections have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of subsection (a)(5).
- b. *Substantial improvements.* Substantial improvement of any principal structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection (a)(5).

(2) *Nonresidential buildings.*

- a. *New construction.* New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of subsections 320-4(c), 320-4(d) and 320-4(e) have been met. New construction that has met all of the requirements of said sections may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the floodplain manager.
- b. *Substantial improvements.* Substantial improvement of any principal non-residential structure located in A1-30, AE, or AH zones, may be authorized by the floodplain manager to be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the floodplain manager.

- (3) *Accessory structures and facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with subsection (a)(5) and be anchored to prevent flotation, collapse or lateral movement of the structure.

- (4) *Standards for recreational vehicles.* All recreational vehicles placed on sites must either:

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- a. Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
  - b. The recreational vehicle must meet all the requirements for residential buildings—substantial improvements (subsection (b)(1)b.), including the anchoring and elevation requirements.
- (5) *Standards for manufactured homes.*
- a. New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of subsections 320-4(c), 320-4(d) and 320-4(e) have been met.
  - b. Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
    - i. The lowest floor of the manufactured home is elevated no lower than three feet above the level of the base flood elevation, or one foot above the future-conditions flood elevation, whichever is higher; or
    - ii. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
  - c. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of subsection (a)(7).
- (c) *Building standards for structures and buildings authorized adjacent to the future-conditions floodplain.*
- (1) *Residential buildings.* For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three feet above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher.
  - (2) *Nonresidential buildings.* For new construction or substantial improvement of any principal non-residential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.
- (d) *Building standards for residential single-lot developments on streams without established base flood elevations and/or floodway (A-zones).*
- (1) For a residential single-lot development not part of a subdivision that has areas of special flood hazard, where streams exist but no base flood data have been provided (A-zones), the floodplain manager shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a federal, state, local or other source, in order to administer the provisions and standards of this chapter.
  - (2) If data are not available from any of these sources, the following provisions shall apply:
    - a. No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater.
    - b. In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet

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above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection (a)(5).

- (e) *Building standards for areas of shallow flooding (AO-zones).* Areas of special flood hazard may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. In these areas the following provisions apply:
  - (1) New and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one foot above the flood depth number in feet specified on the flood insurance rate map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of subsection (a)(5).
  - (2) New and substantial improvements of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and,
  - (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.
- (f) *Standards for subdivisions.*
  - (1) All subdivision proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data;
  - (2) All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;
  - (3) All subdivision plans will provide the elevations of proposed structures in accordance with subsection 320-3(b).
  - (4) All subdivision proposals shall be consistent with the need to minimize flood damage;
  - (5) All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of flood waters, and discharges from the systems into flood waters; and,
  - (6) All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of Rockdale County, Georgia to reduce potential exposure to flood hazards.

(Ord. No. 2007-09, § 26 (Exh. B), 5-22-2007)

### **Sec. 320-6. - Variance and appeal procedures.**

Variances to the regulations set forth in this chapter shall be decided in accordance with the procedures and standards set forth in section 238-10. Appeals by aggrieved parties (as defined in subsection 238-8(a)(2)) from any requirement, decision or determination made by the floodplain manager or the department in the administration or enforcement of the regulations set forth in this chapter shall be as authorized in subsection 238-10(a)(2) and shall be decided in accordance with the procedures and standards set forth in section 238-8.

(Ord. No. 2007-09, § 26 (Exh. B), 5-22-2007)



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#### **Sec. 320-7. - Violations, enforcement and penalties.**

Any action or inaction which violates the provisions of this chapter or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- (a) *Notice of violation.* If the Rockdale County Department of Public Services and Engineering determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this chapter, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this chapter without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
  - (1) The name and address of the owner or the applicant or the responsible person;
  - (2) The address or other description of the site upon which the violation is occurring;
  - (3) A statement specifying the nature of the violation;
  - (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this chapter and the date for the completion of such remedial action;
  - (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
  - (6) A statement that the determination of violation may be appealed to the Rockdale County Board of Adjustment (see section 320-6) by filing a written notice of appeal within 15 days after the notice of violation, except that in the event the violation constitutes an immediate danger to public health or public safety, appeals shall be filed within 24 hours.
- (b) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Rockdale County Department of Public Services and Engineering shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Rockdale County Department of Public Services and Engineering may take any one or more of the following actions or impose any one or more of the following penalties.
  - (1) *Stop work order.* The Rockdale County Department of Public Services and Engineering may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
  - (2) *Withhold certificate of occupancy.* The Rockdale County Department of Public Services and Engineering may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

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- (3) *Suspension, revocation or modification of permit.* The Rockdale County Department of Public Services and Engineering may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Rockdale County Department of Public Services and Engineering may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Rockdale County Department of Public Services and Engineering shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the Rockdale County Public Services and Engineering has taken one or more of the actions described above, the Rockdale County Department of Public Services and Engineering may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) *Criminal penalties.* For intentional and flagrant violations of this chapter, the Rockdale County Department of Public Services and Engineering may issue a citation to the applicant or other responsible person, requiring such person to appear in Rockdale County Magistrate Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Ord. No. 2007-09, § 26 (Exh. B), 5-22-2007)